

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1505-01  
Bill No.: HB 641  
Subject: Crimes and Punishment; Criminal Procedure.  
Type: Original  
Date: February 27, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Public Safety** - divisions of **Liquor Control**, **Capitol Police** and the **Missouri Water Patrol** each assume the proposal would not fiscally impact their respective agencies.

In response to identical legislation from this year officials from the **Department of Public Safety** - divisions of **Missouri Highway Patrol** and **Fire Safety** each assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services**, **Office of the Attorney General**, **Office of the State Courts Administrator** and the **Jefferson City Police Department** each assume there would be no fiscal impact on their respective agencies.

Officials from the **Office of the State Public Defender** assume that existing staff could provide representation for those 15-20 cases arising where the indigent persons were charged due to the increased amount of time the prosecution would have to file charges. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials from the **Boone County Sheriff's Department** assume there will be an increase in costs of approximately \$5,000 per year to their agency for the increased time that they will have to house the people arrested.

Officials from the **Columbia Police Department** assume increasing the length of time police can hold someone without charges being filed, will dramatically save resources that would have been spent during a scramble to make a case within 20 hours, and would therefore result in a savings to their agency.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts.

If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs through supervision provided by the Board of Probation and Parole (FY 99 average \$2.47 per offender, per day).

### **ASSUMPTION** (continued)

Supervision by the DOC through probation would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

**Oversight** assumes there could be some increase in local jail populations as a result of this proposal. However, Oversight assumes this would be at the discretion of the political subdivisions and any fiscal impact to them should be minimal.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

This proposal permits law enforcement officials to detain a person for 32 hours without charging a crime if the person has been arrested for first or second degree murder, first degree assault or robbery, forcible rape or sodomy, or distribution or manufacture of drugs. Currently, a person who is arrested for these offenses must be released within 20 hours unless charged with a crime.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

RAS:LR:OD (12/00)

Department of Public Safety  
Missouri Highway Patrol  
Division of Fire Safety  
Division of Liquor Control  
Capitol Police  
Missouri Water Patrol  
Office of the State Courts Administrator  
Department of Corrections  
Office of Prosecution Services  
Office of the State Public Defender  
Boone County Sheriff's Department  
Jefferson City Police Department  
Columbia Police Department  
Office of the Attorney General

SOURCES OF INFORMATION

**NOT RESPONDING:**      **Greene County Sheriff, St. Louis Metropolitan Police  
Department.**



Jeanne Jarrett, CPA  
Director

February 27, 2001